IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

DatabaseUSA.com, LLC,

Plaintiff,

8:17-CV-386

vs.

ORDER

Blake Van Gilder, et al.,

Defendants.

The defendants have filed a "Notice of Plaintiff's Bankruptcy Filing" (filing 75) noting that the plaintiff has filed bankruptcy, and suggesting that this case should be stayed pursuant to NEGenR 1.5(a)(1). But it is well-established that because the automatic bankruptcy stay of 11 U.S.C. § 362(a)(1) applies to the "commencement or continuation" of a proceeding "against the debtor," it doesn't apply to a proceeding brought by the debtor that inures to the benefit of the debtor's estate. Farley v. Henson, 2 F.3d 273, 274 (8th Cir. 1993); Brown v. Armstrong, 949 F.2d 1007, 1009-10 (8th Cir. 1991); Wickenkamp v. Smith, No. 8:13-CV-262, 2013 WL 6197158, at *1 (D. Neb. Nov. 27, 2013). Accordingly,

IT IS ORDERED that this case is not automatically stayed as a result of the plaintiff's bankruptcy.

Dated this 4th day of January, 2019.

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John M. Gerrard

Chief United States District Judge